

IN THE FEDERAL DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JANNIE LEDGER, et al.)	CASE NO. 1:18-cv-01366-DAP
)	
Plaintiffs)	JUDGE DAN AARON POLSTER
)	
vs.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
FAMILY FIRST CAREGIVERS, INC., et al.)	
)	
Defendants)	

ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF'S FIRST AMENDED COMPLAINT
JURY DEMAND ENDORSED HEREIN

Now come the Defendants, Family First Caregivers, Inc. and Jim Nowak, and for their answer to the Plaintiffs' First Amended Complaint, state as follows:

ANSWER

1. The statement in First Amended Complaint paragraph 1 is not a factual allegation and no response is required. As far as a response is required, the Defendants deny the allegations in First Amended Complaint paragraph 1.
2. The statement in First Amended Complaint paragraph 2 is not a factual allegation and no response is required. As far as a response is required, the Defendants deny the allegations in First Amended Complaint paragraph 2.
3. The statement in First Amended Complaint paragraph 3 is not a factual allegation and no response is required. As far as a response is required, the Defendants deny the allegations in First Amended Complaint paragraph 3.
4. The Defendants deny the allegation in First Amended Complaint paragraph 7 that Jannie Ledger is a United States citizen for want of knowledge. The Defendants deny the

allegation in First Amended Complaint paragraph 4 that Jannie Ledger was the Defendants' employee.

5. The Defendants deny the allegations in First Amended Complaint paragraph 5.
6. The Defendants deny the allegations in First Amended Complaint paragraph 6.
7. The Defendants deny the allegations in First Amended Complaint paragraph 7. By way of clarification, the Defendant, Family First Caregivers, Inc., has a place of business at 10850 Pearl Road, Unit D-7, Strongsville, Ohio 44136.
8. The Defendants deny the allegations in First Amended Complaint paragraph 8.
9. The Defendants deny the allegations in First Amended Complaint paragraph 9.
10. The Defendants admit that Jim Nowak has an ownership interest in Family First Caregivers, Inc. The Defendants deny the balance of the allegations in First Amended Complaint paragraph 10.
11. The Plaintiffs' allegations in First Amended Complaint paragraph 11 are vague and ambiguous. As far as the Plaintiffs' vague and ambiguous allegations require a response, the Defendants deny the allegations in First Amended Complaint paragraph 11.
12. The Plaintiffs' allegations in First Amended Complaint paragraph 12 are vague and ambiguous. As far as the Plaintiffs' vague and ambiguous allegations require a response, the Defendants deny the allegations in First Amended Complaint paragraph 12.
13. The Defendants admit that Defendant Nowak had the authority to hire and fire employees. The Defendants deny the allegations in First Amended Complaint paragraph 13 except as specifically admitted.
14. The Defendants deny the allegations in First Amended Complaint paragraph 14.
15. The Defendants deny the allegations in First Amended Complaint paragraph 15.

16. The Defendants deny the allegations in First Amended Complaint paragraph 16.
17. The Defendants deny the allegations in First Amended Complaint paragraph 17.
18. The Defendants deny the allegations in First Amended Complaint paragraph 18.
19. The Defendants deny the allegations in First Amended Complaint paragraph 19.
20. The Defendants deny the allegations in First Amended Complaint paragraph 20.
21. The Defendants deny the allegations in First Amended Complaint paragraph 21.
22. The Defendants deny the allegations in First Amended Complaint paragraph 22.
23. The Defendants restates the responses in Answer paragraphs 1-22 in response to First Amended Complaint paragraph 23.
24. The statement in First Amended Complaint paragraph 27 is not a factual allegation and no response is required. As far as a response is required, the Defendants deny the allegations in First Amended Complaint paragraph 24.
25. The statement in First Amended Complaint paragraph 25 is not a factual allegation and no response is required. As far as a response is required, the Defendants deny the allegations in First Amended Complaint paragraph 25.
26. The Defendants deny the allegations in First Amended Complaint paragraph 26.
27. The Defendants deny the allegations in First Amended Complaint paragraph 27.
28. The Defendants deny the allegations in First Amended Complaint paragraph 28.
29. The Defendants deny the allegations in First Amended Complaint paragraph 29.
30. The Defendants deny all allegations in the Plaintiffs' First Amended Complaint except those which are specifically admitted.

AFFIRMATIVE DEFENSES

31. The Defendants restate the responses in paragraphs 1-30.
32. The Plaintiff failed to exhaust their administrative remedies.
33. Issue Preclusion bars the Plaintiff's claims.
34. Claim Preclusion bars the Plaintiff's claims.
35. Res Judicata bars the Plaintiff's claims.
36. The Plaintiff failed to obtain proper service.
37. The Plaintiff's claims are barred as the Plaintiff is not an employee.
38. The Plaintiff's claims are barred as the Plaintiff is subject to an exemption under the Fair Labor Standards Act.
39. The Plaintiff's claims are subject to arbitration.
40. The corporate shareholders and officers are not liable for the corporation's acts.
41. The Defendant is not entitled to an offset.
42. The Defendant is not engaged in interstate commerce.
43. The Defendant is not engaged in the production of goods.
44. The doctrine of laches precludes the Plaintiff's claims.
45. The statute of limitations bars the Plaintiff's claims.
46. The Defendant properly paid the Plaintiff.
47. The Plaintiff's claims are barred as they are satisfied.
48. The Defendants do not have sufficient sales volume and/or number of employees.
49. The Plaintiff's claims are barred by the unclean hands doctrine.

WHEREFORE, having answered the First Amended Complaint, the Defendants respectfully request that the Court dismiss the Plaintiffs' First Amended Complaint.

Respectfully submitted,

/s/ Mark S. Shearer

MARK S. SHEARER, 0066739
11925 Pearl Road, #310
Strongsville, Ohio 44136
Telephone: 440-846-1629
Facsimile: 440-846-1625
markshearerlawyer@att.net

JURY DEMAND

The Defendants respectfully demand a jury trial.

/s/ Mark S. Shearer

SERVICE

The Plaintiffs' counsel will receive a copy of the Answer and Affirmative Defenses through the Court's electronic filing system.

/s/ Mark S. Shearer